

BREAKING BARRIERS: EXPLORING ACCESSIBILITY TO LEGAL ADVICE AND ITS IMPLICATIONS FOR JUSTICE

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In recent years, the “phenomenon” of “legal deserts” has emerged as a critical issue within the broader landscape of access to justice.¹ Legal deserts are counties with fewer than one attorney per 1,000 residents² where individuals face substantial barriers to accessing legal services. In the United States today, there are over 1.3 million lawyers,³ but their distribution is not uniform across the fifty states, nor within individual states.⁴ In fact, more than 1,300 counties in the United States have fewer than one attorney for every 1,000 residents, with a significant number having no attorneys at all.⁵ The manifestation of legal deserts is multifaceted; factors such as geographic remoteness, socio-economic disparities, and systemic inefficiencies contribute to their prevalence.⁶ As these deserts expand, their impact reverberates across communities,

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1. See Michelle Paxton, *Preventing Legal Deserts in Our Rural Communities*, A.B.A. (Nov. 14, 2023), <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/fall2023-preventing-legal-deserts-in-our-rural-communities>.

2. Press Release, North Carolina Judicial Branch, *All Things Judicial Focuses on Legal Deserts and Access to Justice in Rural Communities* (Oct. 3, 2023), <https://www.nccourts.gov/news/tag/press-release/all-things-judicial-focuses-on-legal-deserts-and-access-to-justice-in-rural-communities>.

3. *ABA Survey Finds 1.3M Lawyers in the U.S.*, A.B.A. (June 20, 2022), <https://www.americanbar.org/news/abanews/aba-news-archives/2022/06/aba-lawyers-survey>.

4. See James Teufel & Michael Gallo, *The Minimum Number of Lawyers Needed to Eliminate Legal Deserts in the United States (345)*, LEGAL EVOLUTION (Dec. 11, 2022), <https://www.legalevolution.org/2022/12/the-minimum-number-of-lawyers-needed-to-eliminate-legal-deserts-in-the-united-states-345> (explaining that “[a]mong the 46 states with at least one legal desert county, 33 states could completely eliminate legal desert counties with an efficient distribution of 250 or fewer lawyers.”).

5. Paxton, *supra* note 1.

6. *Legal Deserts Threaten Justice for All in Rural America*, A.B.A. (Aug. 3, 2020) (“In fact, rural residents are disproportionately poor, and many are forced to travel long distances to find lawyers to handle routine matters that affect their everyday lives.”).

disproportionately affecting individuals who lack the means to navigate complex legal processes.

The significance of addressing legal deserts cannot be overstated, as they contribute to systemic inequalities, hinder the realization of justice, and especially harm vulnerable and marginalized populations.⁷ Addressing these gaps is not merely a matter of geographical accessibility, but a critical step towards fostering a society where justice is accessible to all, irrespective of socio-economic status.

This Comment explores the nuanced dimensions of legal deserts in North Carolina, seeking to unravel the root causes, consequences, and potential solutions. Part I will outline the scope of this discourse, offering essential contextual details concerning our current understanding of legal deserts including (a) characteristics and indicators, as well as (b) an exploration of the impact of legal deserts, encompassing both (i) their implications for access to justice and (ii) the resultant social and economic consequences. In response to these challenges, Part II will present solutions and interventions derived from a comprehensive comparative analysis of state strategies. By shedding light on the intricacies of legal deserts in North Carolina, this Comment aspires to empower communities, policymakers, and legal practitioners with the knowledge needed to implement targeted and effective measures.

I. BACKGROUND ON LEGAL DESERTS

A. *Understanding “Rural” America’s Intersection with Legal Deserts*

It is imperative to delineate the boundaries of the succeeding discourse and clarify the meaning of “rural,” which frequently carries diverse connotations. “Rural America is the place left behind. It is dying on the vine, a victim of strangulation by social, political, and economic neglect. That neglect is propelling us, gradually, but powerfully, toward national human disaster.”⁸ Despite the common portrayal of rural America as “a single, homogenous region . . . [that is] framed primarily as a counterpoint to America’s cities . . . our country’s vast rural areas feature dimensions of diversity that are too rarely recognized.”⁹ While there is no singular or consistent

7. See e.g., Zachary Newton, *Legal Deserts: Race & Rural America*, MICH. J. RACE & L. (Mar. 22, 2021), <https://mjrj.org/2021/03/22/legal-deserts-race-rural-america> (explaining that “being poor in a legal desert can compound existing inequalities,” “people in rural areas are more likely to experience ‘persistent poverty’ than their metropolitan counterparts,” and the lawyer shortage in rural areas can arguably lead to issues such as “unconstitutional delays of justice and rising incarceration.”).

8. Steven M. Virgil, *Community Economic Development and Rural America: Strategies Based Collaborative Development*, 20 J. AFFORDABLE HOUS. & CMTY. DEV. L. 9, 11 (2010) (quoting U.S. Senator James Abourezk (1973)).

9. Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL’Y REV. 15, 17 (2018); see also Mark Haggerty et al., *Build Back Rural: New*

definition of “rural,”¹⁰ this Comment adopts a perspective that revolves around the assessment of resource scarcity. In this context, this Comment considers “areas with combined high prevalence and persistence of poverty . . . and low levels of investment” as rural.¹¹ This nuanced definition is essential for comprehensively understanding the challenges and intricacies associated with rural places, transcending the simplistic dichotomy between cities and rural areas often presented in discussions surrounding access to legal advice.

B. *Identifying Characteristics and Indicators of Legal Deserts*

There are several factors responsible for legal deserts within rural America. The economic conditions of these regions often play a pivotal role, as low-income areas may struggle to attract and retain legal professionals, creating a scarcity of legal services.¹²

i. Economic Hardship: “The Persistence of Poverty in Rural America”¹³

Poverty remains entrenched in rural America; it is deeper and more persistent than in the rest of the country,¹⁴ creating formidable barriers to justice and community well-being.¹⁵ In fact, a study conducted by the Legal Services Corporation concluded that over the course of a year, “86% of the civil legal problems reported by low-income Americans received inadequate or no legal help.”¹⁶ This stark reality sheds light on the urgent need for accessible legal support in economically disadvantaged communities.

For example, in North Carolina, “persistently poor counties”—characterized by sustained poverty rates of twenty percent or higher for a three-decade period¹⁷—are an “exclusively rural problem.”¹⁸

Investments in Rural Capacity, People, and Innovation, CTR. FOR AM. PROGRESS (Nov. 3, 2021), <https://www.americanprogress.org/article/build-back-rural-new-investments-in-rural-capacity-people-and-innovation> (“Popular imagination paints rural areas with a broad brush, ignoring the significant differences and specific needs and strengths of communities.”).

10. Virgil, *supra* note 8 at 11–14 (explaining the varying definitions of “rural”: (a) rural as population density, (b) rural as a function of resources).

11. *Id.* at 14.

12. See Pruitt et al., *supra* note 9, at 122 n. 637, 640, 642 (explaining survey results where law students indicated “income too low” and “fewer career and economic opportunities” as reasons to avoid rural practice).

13. *The Persistence of Poverty in Rural America*, HOUS. ASSISTANCE COUNCIL (Apr. 7, 2022), <https://ruralhome.org/persistence-poverty-rural-america>.

14. Virgil, *supra* note 8, at 14 (“The twenty poorest counties in the United States are all rural, as are 180 of the 200 poorest counties in the country.”).

15. *The Persistence of Poverty in Rural America*, *supra* note 13.

16. LEGAL SERVS. CORP., *THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* 6 (June 2017).

17. *The Persistence of Poverty in Rural America*, *supra* note 13.

18. Billy Ray Hall, *Poverty’s Enduring Tradition in Rural North Carolina: How Do We Respond?*, 68 *POPULAR GOV’T* (2003) (“All twenty counties in the state experiencing [persistent

The intersection of persistent poverty and legal deserts underscores the multifaceted barriers that residents in these rural communities face. While 1.3 million lawyers live in the United States as a whole, 30,000 of them live in North Carolina alone.¹⁹ However, despite that seemingly substantial figure, forty-eight counties fit the American Bar Association's definition of a legal desert,²⁰ and a concerning pattern emerges when considering the distribution of legal services within the state. "Sixty-three percent of North Carolina attorneys are concentrated in five North Carolina counties—Durham, Forsyth, Guilford, Mecklenburg, and Wake—making it difficult for people in smaller counties to gain access to attorneys when they need them the most."²¹ This leaves other counties, like Camden, Gates, and Tyrrell,²² with minimal or no access to legal services. The enduring economic challenges increase the need for legal assistance in these regions, where access to legal aid becomes a critical factor in addressing systemic issues and empowering individuals to overcome the cycle of poverty.²³

ii. Neglected Opportunity: Low Levels of Investment in Rural America

"[T]he persistence and severity of poverty in rural America can be linked to a limited opportunity structure which is the outcome of both past social and economic development policies and current economic transformation. Many rural communities lack . . . opportunities for mobility [and] investment in the community."²⁴ The absence of adequate opportunities for mobility and investment in many rural communities is closely intertwined with the neglect of government policies and funding allocations, shaping the accessibility and presence of legal services in rural America.²⁵

poverty] are rural."); see also *North Carolina*, RURAL HEALTH INFO. HUB, <https://www.ruralhealthinfo.org/states/north-carolina> (last visited Sept. 8, 2024) ("[T]he poverty rate in rural North Carolina is 17.8%, compared with 12.3% in urban areas of the state.").

19. Camille Stell, *Legal Deserts—A Threat to Justice in Rural North Carolina*, NEWSLETTER (Greensboro Bar Ass'n, Greensboro, N.C.), Feb. 1, 2022, <https://www.greensborobar.org/newsletter/stell-legal-deserts-a-threat-to-justice-in-rural-north-carolina>.

20. *All Things Judicial Focuses on Legal Deserts and Access to Justice in Rural Communities*, *supra* note 2.

21. Victoria von Dohlen, *Wake Forest Law Hosts Discussion: Legal Desert...or Legal Oasis: Solving the Problem of Access to Justice in NC*, WAKE FOREST UNIV. SCH. OF L. (Dec. 20, 2023), <https://news.law.wfu.edu/2023/12/legal-deserts>.

22. *Dean Martin Offers Strategies to Combat Legal Deserts at N.C.*, HIGH POINT UNIV. (Sept. 8, 2023), <https://www.highpoint.edu/law/2023/09/08/combating-legal-deserts-nc-summit> (identifying Camden, Gates, and Tyrrell as rural counties).

23. Rebeca Buckwalter-Poza, *Making Justice Equal*, CTR. FOR AM. PROGRESS (Dec. 8, 2016), <https://www.americanprogress.org/article/making-justice-equal> (emphasizing that "[p]romoting equal, meaningful access to legal representation in the U.S. justice system is critical to ending poverty, combating discrimination, and creating opportunity.").

24. Ann R. Tickamyer & Cynthia M. Duncan, *Poverty and Opportunity Structure in Rural America*, 16 ANN. REV. SOCIO. 67, 81 (1990).

25. See generally Christopher Chavis, *Commentary: The Dismantling of Rural Legal Aid*, THE DAILY YONDER (Dec. 1, 2022), <https://dailyyonder.com/commentary-the-dismantling-of->

Insufficient funding for legal aid programs and the absence of targeted initiatives to address the unique challenges faced by rural communities contribute to the scarcity of legal resources.²⁶

“Geographical location . . . plays a critical role in determining a law firm’s revenue.”²⁷ In fact, “firms based in urban areas or regions with a high cost of living charge higher fees by necessity and, consequently, generate more revenue compared to those in rural areas.”²⁸ This disparity not only affects the financial viability of rural practices but also influences lawyers’ decisions to work in these regions²⁹, as lower fees and limited paying-client bases can lead to unsustainable business models. This is especially true as “the rural lawyer population is aging, and young lawyers plagued with student loan debt are flocking to higher-paying positions offered in cities.”³⁰

This age-based demographic shift of lawyers accentuates the pressing issue of limited access to legal services,³¹ especially when considering the logistical challenges posed by the vast geographical expanses of rural regions. When legal services are not accessible in the near vicinity, people may face extensive travel to secure the assistance required.³² This necessity for extensive travel not only imposes a financial burden on individuals seeking legal assistance

rural-legal-aid/2022/12/01(reporting that the Legal Services Corporation received \$489 million in federal government funding despite requesting \$1.01 billion).

26. See generally Press Release, Legal Services Corporation, LSC Launches Rural Justice Task Force to Address Legal Deserts and Close the Justice Gap, (Dec. 20, 2021), <https://www.lsc.gov/press-release/lsc-launches-rural-justice-task-force-address-legal-deserts-and-close-justice-gap> (explaining that the absence of investment has become so prominent that Legal Services Corporation has created the Rural Justice Task Force with goals that include “raising awareness of the civil legal needs of rural residents, profiling model programs that provide effective legal services or information to those in rural communities, recommending strategies for engaging private attorneys to provide pro bono legal assistance, and identifying opportunities for state and federal legislative assistance.”).

27. Jennifer Anderson, *Small firm revenue and profits: Tips, tricks, and mistakes to avoid*, ONE LEGAL (July 23, 2024), <https://www.onelegal.com/blog/small-firm-revenue-and-profits-tips-tricks-and-mistakes-to-avoid>.

28. *Id.*

29. *Eliminate Barriers to Justice*, RURAL JUST. COLLABORATIVE, <https://www.ruraljusticecollaborative.org/areas-of-focus/eliminate-barriers-to-justice> (last visited Oct. 3, 2024) (“Economic factors consistently emerge as one of the most decisive impediments to rural areas attracting attorneys.”).

30. See Press Release, Legal Services Corporation, *supra* note 26; see also Robert J. Derocher, *A Constant Burden: Law School Debt Affects Well-being, Life Plans, Access to Justice*, A.B.A. (Jan.-Feb. 2021), https://www.americanbar.org/groups/bar-leadership/publications/bar_leader/2020_21/january-february/a-constant-burden-law-school-debt-affects-well-being-life-plans-access-to-justice (“[L]awyers continue to be driven toward higher-paying jobs to pay down loans—leading to shortages of lawyers in rural areas and lower-paying public sector jobs.”).

31. See Derocher, *supra* note 30.

32. See Robin Runge, *Addressing the Access to Justice Crisis in Rural America*, A.B.A. (July 1, 2014), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_3_poverty/access_justice_rural_america (“[T]he Nebraska State Bar Association reported that 12 rural counties in the state have no lawyers, leading individuals who need a lawyer to have to travel up to 200 miles to find one, assuming they could afford the travel costs and the costs of hiring an attorney.”).

but also adds a layer of logistical complexity, potentially hindering timely access to the essential support and advice needed to address their legal issues. Moreover, in rural areas, where public transportation is seldom available,³³ individuals without the means to travel may find themselves compelled to abandon their ongoing legal matters.

Unfortunately, the economic conditions—the persistence of poverty and low levels of investment—and the related consequences of these rural communities contribute to the prominence of legal deserts. This issue forms a cyclical problem due to a self-perpetuating relationship between limited resources, lack of legal services, and unequal access to justice.³⁴ It perpetuates economic stagnation and hampers social development, underscoring the need for targeted initiatives to break the cycle and ensure equitable legal services for these communities.³⁵

iii. Why We Should Care: The Impact of Legal Deserts

“[E]very day, millions of people in our communities are forced to handle complex and life-altering problems . . . by themselves [and] this is exacerbated in legal deserts. It creates . . . unfavorable, life-altering decisions and judgments that, if they had an attorney, could have been avoided.”³⁶ Further, the impact of legal deserts extends far beyond individual cases, permeating various aspects of the justice system. It creates systemic challenges, encompassing (a) delayed or non-existent justice, (b) a broader erosion of public trust in the equitable functioning of the legal framework, and (c) limited community advancement.

iv. Delayed or Non-Existent Justice

“[T]o deny Americans access to legal assistance is to deny them their rights and protections,”³⁷ thereby compromising the pursuit of justice and perpetuating systemic challenges. This lack of accessibility contributes to the justice gap—“the difference between the civil legal needs of low-income Americans and the resources

33. See generally Shaun Jamison & Hannah Catt, *Law Schools Can Ease the Drought in Rural 'Legal Deserts'*, BLOOMBERG L. (Apr. 25, 2023), <https://news.bloomberglaw.com/us-law-week/law-schools-can-ease-the-drought-in-rural-legal-deserts> (“Rural residents often have to travel considerable distances to attend court or meet with a lawyer. Public transportation is often not available, making it harder on the economically disadvantaged. Even if there are a reasonable number of attorneys in a county, they might be quite some distance from people in more distant rural areas.”).

34. See Buckwalter-Poza, *supra* note 23.

35. See *id.*

36. Heath Hamacher, *Legal Deserts: Scarcity of Lawyers Threatens Justice in Many Rural Areas*, THE DAILY RECORD (Nov. 22, 2023), <https://thedailyrecord.com/2023/11/22/legal-deserts-scarcity-of-lawyers-threatens-justice-in-many-rural-areas>.

37. Buckwalter-Poza, *supra* note 23.

available to meet those needs.”³⁸ This delay or complete lack of accessibility to justice is detrimental for two reasons. First, it prolongs the resolution of legal issues, leaving individuals in a state of uncertainty and distress.³⁹ Second, delayed justice can lead to the escalation of problems, causing further harm or injustice to those involved.⁴⁰

Not only do legal deserts have implications for legal representation and advice, legal deserts often lack legal aid clinics, libraries, or community services that provide information about legal rights and responsibilities.⁴¹ The practical consequence is that individuals then also lack the opportunity for self-help, hindering their ability to understand and assert their legal rights.⁴²

v. Public Distrust

The existence of legal deserts and the consequent delay or denial of justice also erodes public trust in the legal system, as individuals may perceive inefficiency as neglect.⁴³ When individuals face insufficient access to legal services, it prompts a question: “Why can’t I get help from the justice system?”⁴⁴ Indeed, the belief that one’s legal issues are unimportant, as a result of delayed justice, leads individuals to feel marginalized and denied the justice they rightfully deserve.⁴⁵ This distrust in the legal system diminishes confidence in the fair administration of justice and effectiveness of legal processes, contributing to a sense of disenchantment among those seeking resolution for their legal concerns.⁴⁶ Ultimately, sustained distrust

38. LEGAL SERVS. CORP., *supra* note 16, at 9.

39. *See* Hamacher, *supra* note 36.

40. *See id.*

41. *See generally*, Pruitt et al., *supra* note 9, at 76–77 (“Renewed energy and support to increase the resources available to rural communities—including information, services, and self-help tools to address their legal needs—can narrow that gap and provide a clearer path to justice.”).

42. *See id.* at 23 (“[I]ndividuals who live in areas without adequate or accessible legal representation may fail to know their legal rights or to recognize that legal recourse may be available for a particular problem.”).

43. Rebecca Love Kourlis, *Public Trust and Confidence in the Legal System: The Way Forward*, UNIV. DENVER (Sept. 13, 2019), <https://iaals.du.edu/blog/public-trust-and-confidence-legal-system-way-forward> (“In the end, I see the problem of the public’s distrust in the legal system as a problem of access to legal services and to justice. And, if that is indeed the problem, then there is a way out of this mess. We can rebuild the system in a far more open, transparent, accessible way. To do so, we have to invite disruption into our midst. We have to open up the delivery of legal services.”).

44. Mary Smith, *Legal Help for Civil Matters Shouldn’t Be Reserved for the Rich*, BLOOMBERG L. (Jan. 11, 2024, 4:29 AM), <https://news.bloomberglaw.com/us-law-week/legal-help-for-civil-matters-shouldnt-be-reserved-for-the-rich>.

45. Pruitt et al., *supra* note 9, at 127 (“Those thwarted in efforts to engage the legal system may come to see the law as irrelevant to them, thus disconnecting vulnerable populations from justice, both cognitively and practically.”).

46. *See* Kourlis, *supra* note 43 (“The rule of law is built on the notion that the laws treat every person equally, and it holds America up as a nation in which race, ethnicity, religion, gender, sexual orientation, and yes, even pocketbook do not affect the outcome of legal

can weaken the democratic institutions that rely on public confidence, potentially compromising the overall stability and integrity of the nation.⁴⁷ Ensuring greater access to justice stands as a pivotal approach to establishing trust in our systems and upholding the foundational values upon which this country was established.

vi. Limited Community Advancement

Legal deserts significantly impede community advancement by depriving residents of essential legal services crucial for addressing local issues.⁴⁸ For example, legal assistance plays a crucial role in community advocacy and empowerment by providing individuals with the tools and knowledge to assert their rights and hold institutions and authorities accountable.⁴⁹ Without legal support, communities often struggle to address systemic issues such as environmental pollution⁵⁰ and educational inequalities.⁵¹ With access to attorneys, rural communities could have adequate means to address these problems. However, in the absence of mechanisms to advocate for oneself or secure representation and ensure accountability, individuals can become trapped in a vicious cycle of

proceedings. But people do not believe that is true; hence, they distrust the legal system—and they distrust us, the lawyers and judges who populate it.”).

47. See Seymour Martin Lipset, *Some Social Requisites of Democracy: Economic Development and Political Legitimacy*, 53 AM. POL. SCI. REV. 69, 86 (1959) (“[T]he stability of a given democratic system depends not only on the system’s efficiency in modernization, but also upon the effectiveness and legitimacy of the political system.”).

48. See, e.g., Michele Stutz & Paula Termuhlen, *Rural Legal Deserts Are a Critical Health Determinant*, 110 AM. J. PUB. HEALTH 1519, 1519 (“The absence of rural attorneys has significant impacts on public health . . . [a]s more individuals experience unemployment, eviction, and insecure benefits amid the COVID-19 pandemic, there is a need for attorneys to address these social determinants of health as legal needs.”).

49. See generally *Empowering Communities: How Blueskylaws Drive Legal Empowerment*, FASTERCAP, (June 20, 2024), <https://fastercapital.com/content/Empowering-Communities—How-Blueskylaws-Drive-Legal-Empowerment.html> (explaining that empowerment is a transformative approach that seeks to address the power imbalances and inequalities that exist within societies).

50. See generally Lester Graham, *Many Rural Towns Have Neglected Drinking Water Systems for Decades*, CIRCLE OF BLUE (May 3, 2022), <https://www.circleofblue.org/2022/world/many-rural-towns-have-neglected-drinking-water-systems-for-decades> (illustrating that the drinking water systems in some rural areas are on the verge of collapse); see generally Megan Mayhew Bergman, *‘They Chose Us Because We Were Rural and Poor’: When Environmental Racism and Climate Change Collide*, THE GUARDIAN (Mar. 8, 2019), <https://www.theguardian.com/environment/2019/mar/08/climate-changed-racism-environment-south> (“A manufacturer of electrical transformers dumped tons of cancer-causing PCB waste along 240 miles of North Carolina’s highways. When it came time for the clean up, the North Carolina government chose Warren [a rural county] . . . for the toxic waste facility.”).

51. See *The Facts on Rural Schools*, PUBLIC SCHOOLS FIRST NC, <https://publicschoolsfirstnc.org/resources/fact-sheets/the-facts-on-rural-schools> (last visited Sept. 9, 2024) (“Rural school districts receive less funding because of their smaller populations, but a lower student population does not always correspond with lower costs . . . [Furthermore], [t]he lack of additional educational opportunities after high school contributes to overall lower wages in rural areas and smaller tax bases.”).

repeated injustices and systemic neglect.⁵² This gap in legal support exacerbates existing challenges in areas facing the impact of legal deserts.⁵³

II. PROPOSED SOLUTIONS AND INTERVENTIONS

This Comment assembles a compilation of initiatives and programs aimed at reducing the number of North Carolina's legal deserts. The subsequent paragraphs provide detailed explanations, applying each of these initiatives to the context of North Carolina, while addressing both the benefits and challenges associated with their implementation.

A. Targeted Investment of Legal Aid Lawyers

“Legal deserts are a surprisingly common problem. Yet, more surprising is the relatively modest cost of a solution.”⁵⁴ In fact, “a targeted investment in legal aid could eliminate all or at least most legal deserts in the United States.”⁵⁵ Legal aid offers free legal advice to individuals who cannot afford legal representation, ensuring their access to the court system.⁵⁶ It is considered crucial “in providing access to justice by ensuring equality before the law, the right to counsel, and the right to a fair trial.”⁵⁷

However, legal aid has experienced consistent cuts over the years, making access more difficult for individuals in need of legal assistance.⁵⁸ “As a result of these limited resources, legal aid organizations must turn away half of all requests they receive.”⁵⁹ By increasing funding for legal aid, organizations will have greater capacity to extend their services to underserved areas and

52. See Pruitt et al., *supra* note 9, at 18-19.

53. See e.g., Runge, *supra* note 32 (“The lack of access to information and enforcement of legal rights in rural communities has significant repercussions, including possibly violating state and federal law. It means people with disabilities go without access to public benefits or employment. Without adequate access to legal assistance, individuals living in rural areas face risk of eviction and victims of domestic violence are at greater risk of serious injury.”).

54. Teufel & Gallo, *supra* note 4.

55. *Id.*

56. Alicia Mitchell-Mercer & S.M. Kernodle-Hodges, *Proposal for a Limited Practice Rule to Narrow North Carolina's Access to Justice Gap*, N.C. JUST. FOR ALL PROJECT 1, 2 (Jan. 22, 2021), <https://www.ncbarblog.com/wp-content/uploads/2021/03/Justice-for-All-Proposal-for-Limited-Practice-Rule-to-Supreme-Court-and-North-Carolina-State-Bar-Final.pdf>.

57. *Id.*

58. Pryanka Pratt, *The Legal Aid Crisis: Three Potential Solutions*, LEXISNEXIS (Nov. 11, 2022), <https://www.lexisnexis.co.uk/blog/future-of-law/the-legal-aid-crisis-three-potential-solutions>; see also Teufel & Gallo, *supra* note 4 (explaining that “[w]hen it comes to legal aid, the United States spends half to a twentieth of what comparable countries spend as a percentage of GDP.”).

59. Vaidehi Mehta, *Lack of Legal Aid Looms Large for Low-Income Americans*, FINDLAW, <https://www.findlaw.com/legalblogs/law-and-life/lack-of-legal-aid-looms-large-for-low-income-americans> (last updated Dec. 8, 2023).

populations, thereby decreasing the prominence of legal deserts.⁶⁰ This financial support enables the provision of essential legal assistance, narrowing the gaps in access to justice and fostering a more equitable legal landscape.

While increasing spending on legal aid may offer assistance, it is essential to acknowledge that legal aid funding is not uniformly distributed among states.⁶¹ Financial support for civil legal aid comes from a variety of sources, but the largest source of funding is the Legal Services Corporation (“LSC”), a private entity established by Congress to help ensure access to legal services.⁶² LSC secures the largest portion of funding annually through congressional appropriations, disbursing grants to entities dedicated to offering legal aid in non-criminal cases for individuals with limited financial means.⁶³ “[D]istributing nearly 94% of its federal appropriation to eligible nonprofit organizations delivering civil legal aid, LSC awards grants through a competitive process and currently funds 132 independent legal aid organizations.”⁶⁴ Among these 132 LSC funded organizations, North Carolina is home to only one.⁶⁵ Several neighboring states have more—Virginia, home to six legal aid organizations; Tennessee, home to four legal aid organizations; and Georgia, home to two legal aid organizations.⁶⁶ By investing in legal aid, there is opportunity to broaden its reach to more individuals in need of assistance and establish additional locations that can facilitate easier access to these vital services. This dual approach addresses both the quantity and accessibility of legal aid, ultimately improving the support available to communities lacking legal assistance.

B. Educational Initiatives

By encouraging law students to better understand the realities of rural America and empowering them to pursue careers in these regions, educational initiatives serve as a valuable strategy to decrease legal deserts. “Law schools can reduce the shortage of lawyers in rural areas by providing coursework and externships for

60. See generally *Eliminate Barriers to Justice*, RURAL JUST. COLLABORATIVE, <https://www.ruraljusticecollaborative.org/areas-of-focus/eliminate-barriers-to-justice> (last visited Sept. 9, 2024) (illustrating that “[e]ven federally funded nonprofit legal aid that provides free services for the poor is typically concentrated in urban areas.” *But see* Pruitt et al., *supra* note 9, at 117 (“[E]ven if legal aid funding were plentiful, legal services organizations could not meet the needs of every rural resident, or even the needs of every poor rural resident.”) (emphasis added).

61. See Smith, *supra* note 44.

62. *Civil Legal Aid Funding*, NAT’L LEGAL AID & DEF. ASS’N, <https://www.nlada.org/tools-and-technical-assistance/civil-resources/civil-legal-aid-funding> (last visited Mar. 18, 2024).

63. *Id.*

64. *How We Work*, LEGAL SERVICES CORP., <https://www.lsc.gov/about-lsc/what-legal-aid/how-we-work> (last visited Sept. 9, 2024).

65. See *Our Grantees*, LEGAL SERVICES CORP., <https://www.lsc.gov/grants/our-grantees> (last visited Sept. 9, 2024).

66. See *id.*

rural law practice.”⁶⁷ For example, Concord Law School at Purdue Global has developed a program specifically aimed at “solv[ing] the problem of ‘legal deserts’ across the U.S.”⁶⁸ The course, “Rural Law Practice” “show[s] the legal needs of various agribusinesses and family farms while highlighting the shortage of civil and family legal services in rural communities.”⁶⁹ By fostering a deeper understanding of the challenges in rural America and equipping law students with the tools to pursue careers in these regions, law schools can play a pivotal role in cultivating a more diverse and well-prepared legal workforce, addressing the specific needs of rural communities, and fostering equitable access to justice nationwide.

Similarly, law school career services and other experiential learning programs can actively promote externship and clinic opportunities in rural areas, providing students with valuable insights into the needs of rural communities and helping them determine their compatibility with rural living.⁷⁰ For example, Washburn University School of Law has created the Rural Externship Program with the goal “to provide students with opportunities to experience life and law practice in a rural community, as well as to interest them in pursuing careers in rural Kansas.”⁷¹ Externships like those available at Washburn University facilitate “mentorship from practicing attorneys” and allow students to assess their preferences regarding rural legal practice.⁷²

Additionally, law schools can entice students to commit to practicing in underserved regions by offering incentives such as loan forgiveness programs, further encouraging the cultivation of legal professionals in areas that traditionally face shortages. For example, the University of Kentucky College of Law has created the Rural Drug Prosecution Assistance Project (“RDPAP”).⁷³ The purpose of RDPAP is to bolster the criminal justice system’s capacity in rural areas by placing law students and graduates as interns and employees with legal professionals, offering a Tuition Remission Program as a supportive measure for participants in the program.⁷⁴ Ultimately,

67. Jamison & Catt, *supra* note 33; *see also* Pruitt, *supra* note 9, at 60 (“One way to counter this urbancentricism [—law students preferring urban areas—] among law graduates is to expose them to rural practice early and often, as through summer and clinical opportunities.”).

68. Matthew Oates, *Concord Law School Launches New Class to Address Rural Legal Issues*, PURDUE UNIV. (Apr. 19, 2023), <https://www.purdue.edu/newsroom/releases/2023/Q2/concord-law-school-launches-new-class-to-address-rural-legal-issues.html>.

69. *Id.*

70. *See* Jamison & Catt, *supra* note 33.

71. *Rural Externship Program*, WASHBURN UNIV. SCH. OF L., <https://www.washburnlaw.edu/students/externship/hansen.html> (last visited Sept. 9, 2024).

72. *See* Jamison & Catt, *supra* note 33.

73. Carolyn Bratt & Harold Weinberg, *Rural Drug Prosecution Assistance Program, Phase II*, UNIV. KENTUCKY RSCH., <https://scholars.uky.edu/en/projects/rural-drug-prosecution-assistance-program-phase-ii-2> (last visited Sept. 19, 2024).

74. Harold Weinberg, *Rural Drug Prosecution Assistance Project*, UNIV. KENTUCKY RSCH. <https://scholars.uky.edu/en/projects/rural-drug-prosecution-assistance-project-2> (last

incentives like loan forgiveness programs offered by law schools can play a crucial role in diminishing legal deserts by encouraging graduates to commit to practicing in underserved areas, addressing critical shortages in legal services and fostering equitable access to justice.

Achieving any of the previously mentioned initiatives is feasible in North Carolina, especially considering the composition of the state's law school landscape. Home to six American Bar Association accredited law schools⁷⁵—none of which are located in a rural part of the state⁷⁶—North Carolina produces roughly 1,000 law school graduates each year.⁷⁷ This figure is important because scholars estimate that 451-700 lawyers are needed to eliminate legal desert counties in North Carolina.⁷⁸ With slight adjustments to resources, law schools can leverage their courses, experiential learning opportunities, and financial incentives to encourage students to pursue careers in rural America. By making this investment, a decrease in the prominence of legal deserts in North Carolina becomes attainable.

In North Carolina, although law schools offer courses with relevance to rural America, there is a notable absence of classes tailored to comprehensively understanding rural life's complexities.⁷⁹ This gap in education raises concerns about how

visited Sept. 19, 2024); *See generally Schools by State*, A.B.A., https://www.americanbar.org/groups/center-pro-bono/resources/directory_of_law_school_public_interest_pro_bono_programs/schools_by_state (last visited Sept. 9, 2024) (providing a list of law schools and, upon selecting a school, their efforts to provide student loan forgiveness for those seeking public interest jobs).

75. *Id.* (naming Campbell University Norman Adrian Wiggins School of Law, Duke University School of Law, Elon University School of Law, North Carolina Central University School of Law, University of North Carolina School of Law, and Wake Forest University School of Law as the six law schools).

76. Christopher D. Chavis, *Location, Location, Location: Rural Law Schools and Their Role in the Rural Lawyer Shortage*, LEGAL RURALISM BLOG (July 14, 2017), <https://legalruralism.blogspot.com/2017/07/location-location-location-rural-law.html>.

77. *See* A.B.A., CAMPBELL UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (producing 157 law school graduates); *see* A.B.A., DUKE UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (producing 214 law school graduates); *see* A.B.A., ELON UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (producing 127 law school graduates); *see* A.B.A., NORTH CAROLINA CENTRAL UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (producing 130 law school graduates); *see* A.B.A., NORTH CAROLINA, UNIVERSITY OF EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (producing 189 law school graduates); *see* A.B.A., WAKE FOREST UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (producing 202 law school graduates).

78. Teufel & Gallo, *supra* note 4.

79. *See, e.g., Course Descriptions*, CAMPBELL UNIV., <https://law.campbell.edu/learn/academic-program/course-catalog-course-descriptions> (last visited Sept. 9, 2024); *Course Browser*, DUKE UNIV. SCH. L., <https://law.duke.edu/academics/course/browser> (last visited Sept. 9, 2024); *Electives*, ELON UNIV. SCH. L., <https://www.elon.edu/u/law/academics/progression-of-learning/electives> (last visited Sept. 9, 2024); *Full Curriculum Listing*, N.C. CENT. UNIV. SCH. L., <https://law.nccu.edu/academics/curriculum-description-2/full-curriculum-listing> (last visited Sept. 9, 2024); *Upper-Level Course Listing*, UNIV. N.C. SCH. L.,

aspiring lawyers can effectively pursue careers or advocate for rural communities without adequate knowledge and understanding of their unique challenges and legal needs. By offering a course in rural law, like “Rural Law Practice” at Concord Law School, students gain specialized knowledge to effectively serve legal needs in underserved rural areas.

Law students also have the opportunity to participate in legal clinics in North Carolina schools, which aim to assist individuals in need, particularly those who are financially disadvantaged.⁸⁰ However, there is a notable absence of legal clinics tailored specifically to address the unique challenges faced by rural communities.⁸¹ Exposure to such opportunities early in their legal education, such as those offered at Washburn University School of Law, can inspire students to reconsider their career trajectory or, at the very least, motivate them to renew their commitment to making a positive impact on their community throughout their three years of study.

As to financial incentives, North Carolina has the NC Legal Education Assistance Foundation, which provides loan repayment assistance to attorneys with more than \$10,000 of law school debt who work in public interest fields in North Carolina.⁸² Similarly, several law schools in North Carolina provide grants for students pursuing public interest positions, as well as offering loan forgiveness programs.⁸³ While these are great programs, rural

listing (last visited Sept. 9, 2024); *Course Catalog*, WAKE FOREST UNIV. SCH. L., <https://courses.law.wfu.edu> (last visited Sept. 9, 2024).

80. See, e.g., *Clinical Programs*, CAMPBELL UNIV., <https://law.campbell.edu/advocate/clinical-programs> (last visited Sept. 9, 2024); *Clinics and Externships*, DUKE UNIV. SCH. L., <https://law.duke.edu/clinics> (last visited Sept. 9, 2024); *Experiential Learning*, ELON UNIV. SCH. L., <https://www.elon.edu/u/law/academics/experiential> (last visited Sept. 9, 2024); *Clinical Legal Education Program*, N.C. CENT. UNIV. SCH. L., <https://law.nccu.edu/clinics> (last visited Sept. 9, 2024); *Clinics*, UNIV. N.C. SCH. OF L., <https://law.unc.edu/experiential-learning/clinics> (last visited Sept. 9, 2024); *Clinics*, WAKE FOREST UNIV. SCH. L., <https://law.wfu.edu/academics/experiential/clinics> (last visited Sept. 9, 2024).

81. *Id.*

82. See *Eligibility*, N.C. LEGAL EDUC. ASSISTANCE FOUND., <https://nleaf.org/how-it-works/eligibility> (last visited Sept. 9, 2024).

83. See, e.g., *Campbell University Norman Adrian Wiggins School of Law, A.B.A.*, https://www.americanbar.org/groups/center-pro-bono/resources/directory_of_law_school_public_interest_pro_bono_programs/directory/ld18 (last visited Sept. 9, 2024) (“The purpose of Campbell Law School’s Public Interest Law Summer Grants is to enable law students to practice public interest law by providing financial support.”); *Loan Repayment Assistance Program*, DUKE UNIV. SCH. L., <https://law.duke.edu/apply/financial/lrap> (last visited Sept. 9, 2024) (“Under the plan, graduates who earn \$65,000 or less could have all loan payments covered by LRAP during the entire 10-year period necessary to qualify for the federal Public Service Loan Forgiveness (PSLF) Program . . . which forgives remaining loan debt after 10 years in a qualifying public service position.”); *Post-Graduate Financial Support*, UNIV. N.C. SCH. L., <https://law.unc.edu/careers/public-interest-and-government/post-graduate-financial-support> (last visited Sept. 9, 2024) (“UNC School of Law has a Loan Repayment Assistance Program (LRAP) for recent graduates working in public interest employment.”); *Wake Forest University School of Law, A.B.A.*, [https://www.americanbar.org/groups/center-pro-](https://www.americanbar.org/groups/center-pro-bono/resources/directory_of_law_school_public_interest_pro_bono_programs/directory/ld18)

communities can feel an even greater benefit when there are specific financial programs, like the one in Kentucky, that are aimed at providing financial assistance to lawyers who pursue careers in rural communities.

Ultimately, “reducing legal deserts will result in stronger, more resilient communities—and, in the aggregate, a stronger society and economy nationwide.”⁸⁴ By actively addressing legal deserts through focused educational efforts, law schools could pave the way for promoting equitable access to legal services across the United States.

C. *Pro Bono Efforts*

Pro bono initiatives can help decrease legal deserts by mobilizing volunteer lawyers to provide essential legal services to underserved populations, filling the gaps left by limited access to professional assistance.⁸⁵ Illuminating the impact of pro bono work, “Georgia State University College of Law’s Center for Access to Justice has been working on solutions to make the legal system accessible to more Georgians.”⁸⁶ By delineating the lack of attorneys in Georgia and partnering with the Georgia Legal Services Program, the organizations seek to ensure access to the justice system for community members who are unable to afford traditional legal services.⁸⁷

In a broader context, implementing prerequisites for students to complete a specified amount of pro bono hours prior to applying for admission to the bar could serve as a procedural approach to reducing legal deserts. This requirement ensures that aspiring legal professionals actively contribute to addressing unmet legal needs, promoting widespread access to justice across diverse communities.

Although North Carolina has not implemented a pro bono service requirement, it has established a new statewide platform, Pro Bono Go, which is an “online clearinghouse of pro bono opportunities provided by the state’s leading civil legal aid and public-interest legal organizations.”⁸⁸ Paired with Pro Bono Go, the implementation of a pro bono requirement and the active promotion of pro bono work in

bono/resources/directory_of_law_school_public_interest_pro_bono_programs/directory/ld 123 (last visited Sept. 9, 2024) (providing information on Wake Forest University School of Law Loan Repayment Assistance Program and the Public Interest Law Organization Summer Grant program).

84. Jamison & Catt, *supra* note 33.

85. *Bringing Legal Resources to Legal Deserts*, PRO BONO INST. (Feb. 15, 2023), <https://www.probonoinst.org/2023/02/15/bringing-legal-resources-to-legal-deserts> (“Pro bono is one ingredient in their recipe for successfully increasing access to justice. Pro bono attorneys can receive training and provide legal assistance to low-income clients in rural areas in a variety of civil legal matters.”).

86. *Id.*

87. *Id.*

88. Press Release, North Carolina Judicial Branch, Pro Bono Go: North Carolina’s New One-Stop Shop for Pro Bono Opportunities (Oct. 25, 2023), <https://www.nccourts.gov/news/tag/press-release/pro-bono-go-north-carolinas-new-one-stop-shop-for-pro-bono-opportunities>.

rural areas could contribute to leveling the playing field for legal access and services. Implementing a pro bono requirement for bar admission in North Carolina could serve as a powerful incentive, motivating more individuals to engage in pro bono work and significantly impacting the local community. This initiative holds particular significance as many North Carolina law students choose to stay and practice within the state,⁸⁹ making it a crucial influence on the legal landscape. By mandating fifty hours of pro bono service for bar application, North Carolina could tap into the commitment of its future legal professionals, fostering a culture of community engagement and addressing the legal needs of underserved populations within the state.

In the end, “every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year.”⁹⁰ By leveraging the expertise of pro bono attorneys, communities in legal deserts can receive crucial legal support, fostering a more equitable distribution of justice and addressing unmet legal needs. However, as some commentators have noted, “even though pro bono work is essential, it will not be the sole solution to the undeniably enormous access to affordable legal assistance problem that exists in the United States.”⁹¹ Effectively addressing the issue of legal deserts requires a comprehensive approach that integrates various strategies, working together to tackle the root causes of the problem.

D. Technology Based Solutions & Self-Help

Technology-based solutions offer a form of self-help for rural individuals residing in legal deserts by providing accessible and user-friendly platforms for legal information and assistance. Legal technology has the ability to increase access to justice because it “can alleviate the need to travel to an attorney’s office or even to the courthouse”⁹² and “streamline internal processes like case management and call-backs; increase access to basic form completion and advice for clients . . . thereby enabling more people

89. See A.B.A., CAMPBELL UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024); see A.B.A., DUKE UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024); see A.B.A., ELON UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024); see A.B.A., NORTH CAROLINA CENTRAL UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024); see A.B.A., NORTH CAROLINA, UNIVERSITY OF EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024); see A.B.A., WAKE FOREST UNIVERSITY EMPLOYMENT SUMMARY FOR 2022 GRADUATES (2024) (demonstrating that for five of the six accredited laws schools in North Carolina, North Carolina remains to be the most common employment location for graduates).

90. MODEL RULES OF PRO. CONDUCT r. 6.1 (A.B.A. 2019).

91. Alicia Mitchell-Mercer & S.M. Kernodle-Hodges, *Looking Beyond Lawyers to Close the Access to Justice Gap* (Oct. 14, 2022), <https://www.ncbarblog.com/fl-looking-beyond-lawyers-to-close-the-access-to-justice-gap>.

92. Lisa R. Pruitt & Zach Newman, *The Role of Technology in Enhancing Rural Access to Justice*, UC DAVIS SCH. OF L. 1, 1 (2020).

to receive legal advice and navigate the complexities of our legal system.”⁹³

In light of the potential benefits, the National Center for State Courts has taken advantage of the technological advancements and “started utilizing Geographic Information Systems (“GIS”) mapping technology to assist state courts in identifying ‘legal deserts.’”⁹⁴ This type of technology allows “courts [to] gain deeper insights into the needs of people living in legal deserts by generating legal desert maps that consider access-to-justice risk factors such as the number of attorneys compared to the population, distance to a courthouse, poverty rates, limited English proficiency, and the absence of internet.”⁹⁵ However, while acknowledging and understanding the problem in the rural community is a crucial first step, the focus must then shift towards devising effective solutions to address these challenges and bring about meaningful change.

In North Carolina, lawyers have attempted to implement technological measures to ensure a comprehensive approach to resolving the pressing issue of legal deserts. “Developed by two women in Durham, NC, Courtroom5 is a mobile phone application to help educate pro se litigants by providing guidance throughout their court case, litigation training, and workshops on managing a court case.”⁹⁶ For fifteen dollars per month, users will be able to, “gain the court’s respect and fairness,” “dodge the pitfalls of hidden rules,” and “avoid settling for an unfair amount.”⁹⁷

These technological innovations begin to bridge the gap in legal services, offering a valuable means of self-help for those in geographically isolated or underserved areas; however, they are not a substitute for legal advice from an attorney. Addressing the issue of legal deserts demands a multifaceted approach, encompassing various strategies and initiatives to create a comprehensive and sustainable solution. Coupled with the other initiatives mentioned in this Comment, technology solutions offer a way to achieve equality in access to justice.

E. Pairing Legal Professionals with Underserved Areas

Pairing legal professionals with underserved areas serves as another strategy to bridge the justice gap by strategically connecting experienced lawyers with communities facing legal deserts. For example, South Dakota’s legislature funded a Rural Attorney Recruitment Program, which paired qualifying attorneys at any point

93. *Id.*

94. *GIS Technology to Assist in Identifying “Legal Deserts”*, NAT’L CTR. FOR STATE COURTS (Dec. 6, 2023), <https://www.ncsc.org/newsroom/at-the-center/2023/gis-technology-to-assist-in-identifying-legal-deserts>.

95. *Id.*

96. von Dohlen, *supra* note 21.

97. COURTROOM5, <https://courtroom5.com> (last visited Oct. 2, 2024).

in their career with underserved counties that had a population of 10,000 or less and were able to pay thirty-five percent of the attorney's compensation.⁹⁸ The goal of the program was for the recruited lawyers to work in their assigned communities under a five-year contract and then assume the cases of the area's retiring attorneys.⁹⁹ In 2023, a news report stated that "the recruitment program has placed 31 attorneys into rural areas. 15 have graduated from their contract, and 12 of those graduates have stayed on to practice rural law."¹⁰⁰ This collaborative approach not only brings essential legal expertise to regions in need but also provides a means for residents to access valuable guidance, assistance, and representation.

North Carolina is well-positioned to pair lawyers with underserved areas through its diverse legal landscape and established legal networks. The North Carolina Bar Association currently has over 20,000 members consisting of "lawyers, judges, paralegals and law students" actively working towards the betterment of the community.¹⁰¹ The collaborative efforts of bar associations and legal organizations in North Carolina can facilitate strategic pairings by connecting experienced lawyers with underserved communities, leveraging the state's legal expertise to address the specific needs of these areas.

Moreover, similar to most of the other initiatives mentioned, pairing legal professionals with underserved communities could be more effective when combined with another complementary initiative. Further, incentivizing legal professionals to establish practices in underserved regions can enhance the overall impact, creating a more comprehensive and synergistic approach to addressing the challenges faced by such areas.

F. Leveraging the Work of Legal Paraprofessionals

By incorporating legal paraprofessionals through limited licensing programs¹⁰² into the legal workforce, particularly in regions facing shortages, the overall capacity to address legal needs increases, contributing to the reduction of legal deserts.¹⁰³ These professionals equipped with specific legal training can provide

98. Veda Tonneson, *Rural Lawyer Program Advocates for Small-Town Law Practices*, S.D. PUB. BROAD. (Aug. 2, 2023, 6:40 AM), <https://listen.sdpb.org/business-economics/2023-08-02/rural-lawyer-program-advocates-for-small-town-law-practices>.

99. *Id.*

100. *Id.*

101. *Career Center*, N.C. BAR ASS'N, <https://careercenter.ncbar.org> (last visited Sept. 9, 2024).

102. See generally Mitchell-Mercer & Kernodle-Hodges, *supra* note 56 (explaining that limited licensees can provide clients with legal advice and complete court documents, but the scope of a limited licensee's practice is limited).

103. See generally Amanda Claxton, *Liberty and Justice for Y'all: Allowing Legal Paraprofessionals to Practice Law to Reduce the Effects of Legal Deserts in Rural Georgia*, 74 MERCER L. REV. 339, 340-42 (2022).

essential support in areas such as document preparation, client intake, and procedural assistance, alleviating the workload on lawyers and making legal services more accessible.¹⁰⁴

The Rules of Professional Conduct pertaining to the unauthorized practice of law (“UPL”) define what activities constitute the practice of law and who is allowed to engage in them.¹⁰⁵ These rules vary by jurisdiction but generally prohibit individuals who are not licensed attorneys from providing legal services or representing others in legal matters.¹⁰⁶ “The purpose of [UPL statutes and] the committee on the authorized practice of law is to protect the public from being unlawfully advised and represented in legal matters by unqualified persons.”¹⁰⁷

“Currently, there are four states that have implemented programs approving individuals for a limited license that allow non-lawyers to provide viable alternatives to hiring a lawyer for uncomplicated legal needs when the client cannot afford a lawyer while maintaining professional standards required by each state.”¹⁰⁸ In North Carolina, some have argued that the state should align with others in restricting UPL laws and create avenues for legal paraprofessionals to obtain limited licenses.¹⁰⁹ This argument recognizes the potential benefits of expanding the role of legal paraprofessionals within the state, paving the way for increased access to legal services and potential advancements in addressing legal deserts. Indeed,

North Carolina has already established a successful certification program “to assist in the delivery of legal services to the public by identifying individuals who are qualified by education and training, and have demonstrated knowledge, skill, and proficiency to perform substantive

104. See generally *id.* at 340.

105. See N.C. RULES OF PRO. CONDUCT r. 5.5 (N.C. STATE BAR 2016).

106. Derek A. Denckla, *Nonlawyers and the Unlicensed Practice of Law: An Overview of the Legal and Ethical Parameters*, 67 FORDHAM L. REV. 2581, 2581 (1999).

107. *Unauthorized Practice of Law*, N.C. STATE BAR, <https://www.ncbar.gov/bar-programs/unauthorized-practice-of-law> (last visited Sept. 9, 2024) (quoting 27 N.C. Admin. Code 1D §.0201).

108. Tara Hughes & Joyce Reichard, *How States Are Using Limited Licensed Legal Paraprofessionals to Address the Access to Justice Gap*, A.B.A. (Sept. 2, 2022), <https://www.americanbar.org/groups/paralegals/blog/how-states-are-using-non-lawyers-to-address-the-access-to-justice-gap>.

109. See Travis Bland & Hayley Fowler, *Nonprofit, Paralegals Sue To Take Down NC Legal Advice Law*, LAW360 (Jan. 4, 2024, 9:31PM), <https://www.law360.com/articles/1782238/nonprofit-paralegals-sue-to-take-down-nc-legal-advice-law> (“The North Carolina Justice for All Project and two of its paralegals sued state Attorney General Josh Stein in the Eastern District of North Carolina opposing the state’s ban on what’s known as the unauthorized practice of law, or UPL, which makes it illegal for anyone but a licensed lawyer to give legal advice, paid or otherwise, in the Tar Heel State. The group argued that the law is not narrowly tailored nor does it serve a compelling government interest, noting there are other less-restrictive measures the state has failed to consider.”).

legal work under the direction and supervision of a licensed lawyer.¹¹⁰

Using such a certification program “as a prerequisite for limited licensing would only serve to increase the competency levels of those seeking limited licensing” and would encourage the use of legal paraprofessionals.¹¹¹

However, striking a balance between expanding access to legal assistance and maintaining professional standards becomes crucial to avoid further jeopardizing already vulnerable populations. Furthermore, the relaxation of legal advice laws sparks concerns about the potential compromise of the quality and reliability of legal guidance, prompting the question of whether it is preferable to have no legal advice at all rather than access to advice that may or may not be reputable. With appropriate oversight and ethical guidelines,¹¹² legal paraprofessionals can contribute significantly to addressing the gaps in legal services, making essential guidance more accessible in underserved areas. This approach not only enhances the efficiency of legal processes but also empowers communities with valuable resources to navigate their legal challenges.

III. CONCLUSION

Despite advancements in legal systems, significant disparities persist in the accessibility to legal advice across various demographics in the United States, leaving a substantial portion of the population without adequate guidance. Existing disparities in the availability of legal advice highlight a pressing issue that demands attention, as certain groups continue to face barriers preventing them from fully exercising their legal rights, which perpetuates an unequal legal landscape in the United States.

Diminishing the prominence of legal deserts requires a multifaceted approach, recognizing the unique challenges faced by rural communities and tailoring initiatives to address their specific issues. Some aspects of this approach are clear: first, making a targeted investment in legal aid will help rectify the problem of legal deserts by expanding the availability of crucial legal services. Second, law schools investing in rural law opportunities will improve the overall legal infrastructure in rural communities. Third, states implementing pro bono requirements for students applying to their bars will encourage community involvement, providing aspiring legal professionals with practical experience and a deeper understanding of the legal needs in underserved rural areas. Fourth, increasing the use of technology-based solutions enhances

110. Mitchell-Mercer & Kernodle-Hodges, *supra* note 56, at 32.

111. *Id.* at 33.

112. Hughes & Reichard, *supra* note 108 (providing an example for the requirements and duties to become a Limited License Legal Practitioner that “each applicant pass the core examination and an examination in the specific area of law they wish to be licensed.”).

accessibility to legal resources in geographically isolated regions. Fifth, pairing legal professionals with underserved areas actively contributes to closing the justice gap and ensuring more equitable access to legal resources and services. Sixth, by enabling legal paraprofessionals to obtain limited licenses, access to legal advice becomes more attainable for underserved populations.

This comprehensive approach, recognizing the nuances of rural communities, contributes to a more equitable and accessible legal system. While North Carolina has implemented some of these measures, either in whole or in part, there is still work to be done to comprehensively address the needs of rural communities. By adopting multiple approaches, a more holistic understanding of the challenges can be gained, enabling more effective and targeted solutions to solve the problems faced by these communities.

In conclusion, “[North Carolina] feature[s] much in the way of habitats and landscapes. There are mountains, flatlands, foothills and oceans. And deserts. These deserts are not barren areas devoid of water and life, but socioeconomically challenged pockets of the states devoid of attorneys and, often, justice.”¹¹³ However, with the combined effort of the initiatives and programs mentioned above, access to justice can become more than just a goal; it can become a reality.

113. Hamacher, *supra* note 36.